

EPHRAIM L. HERRIOTT.

FEBRUARY 22, 1904.—Ordered to be printed.

Mr. McCUMBER, from the Committee on Pensions, submitted the following

REPORT.

[To accompany S. 883.]

The Committee on Pensions, to whom was referred the bill (S. 883) granting a pension to E. Laurence Herriott, have examined the same and report:

This bill as amended proposes to grant a pension of \$12 per month to Ephraim L. Herriott, late acting assistant surgeon, United States Army.

Ephraim L. Herriott, of Jacksonville, Ill., served as acting assistant surgeon, United States Army, from June 13, 1862, to November 13, 1863, when his service was honorably terminated.

On January 26, 1891, he applied for pension under the act of Congress approved June 27, 1890, and was pensioned thereunder at \$12 per month, until July 4, 1894, when he was dropped from the rolls under the decision of the Secretary of the Interior, dated November 24, 1893, in the case of Andrew J. Shannon, on the ground that his was not a pensionable service under the act cited, as he was not regularly mustered into the military service of the United States.

Up to the date of the decision above mentioned such service had been held to be pensionable under the act in question. As regards the general law, contract surgeons were, by act of March 3, 1865, put on the same footing as to pensions with assistant surgeons who were regularly mustered into the service.

Doctor Herriott made claim under the general law August 21, 1897, alleging pharyngeal laryngitis, contracted at Memphis, Tenn., in February, 1863. There being no record of his disability, and he being unable to furnish evidence showing origin in service, this claim was rejected October 13, 1900.

Evidence accompanying the bill goes to show, however, that claimant was sound when he entered the Army, and that since discharge he has been troubled with some respiratory disease.

Doctor Herriott is now 70 years of age, and it appears from the papers on file is disabled for manual labor, and much in need of the pension. His medical examination, dated June 24, 1891, rated him \$12 for rupture, \$8 for rheumatism, and \$12 for disease of respiratory organs.

Your committee believe the case comes within the spirit if not the strict letter of the law under which he was pensioned, which was intended, as they believe, to include all branches of the service which were then held to be pensionable under the general laws. A renewal of his former pension of \$12 per month is recommended.

The bill is therefore reported back favorably with a recommendation that it pass when amended as follows:

Strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ephraim L. Herriott, late acting assistant surgeon, United States Army, and pay him a pension at the rate of twelve dollars per month.

Also amend the title so as to read: "A bill granting a pension to Ephraim L. Herriott."

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